

Application No. 09/986,374
Art Unit 1711

REMARKS

Claims 1-25 are pending in the above-identified application.

Specification and Title Issues:

The Office Action of March 21, 2003, requests a Substitute Specification and that the Title be changed. The Title has been changed such that the term "allergic" has been changed to --allergenic--. In response to the request for a Substitute Specification, it is noted that a number of changes have already been made to the specification, as noted in the Preliminary Amendment filed November 8, 2001. It is submitted that the present specification is in appropriate form such that a Substitute Specification should not be required.

Restriction Requirement Issues

Applicants acknowledge the indication in the Office Action that the Restriction Requirement has been made "final". Applicants respectfully maintain a traversal of this Requirement. It is submitted that the changes to claims 18 and 22 make it clear that these claims are directed to products of the corresponding method claims 1 and 10, respectively. It is further noted that method claim 10 and product claim 22 merely recite additional preliminary steps for obtaining a product that generally corresponds to that of claim 18. Consequently, it is submitted that all of the presently pending claim recite subject matter that allows for the search and examination of these claims to

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significantly overlap, thereby removing any undue burden on the Examiner as a basis for the Restriction Requirement. Thus, it is again requested that the Restriction Requirement be withdrawn.

Issues Under 35 U.S.C. § 112

Claims 18-21 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Specifically, the Office Action suggests that claim 18 should recite some additional information which relates to the claimed product.

In response to the above-noted rejection, claims 18-21 have been amended. Specifically, claim 18 has been amended so as to further define the "decomposition treatment" that corresponds to the method to claim 1. Also, the term "allergic" has been changed to --allergenic--. It is submitted that all of the presently pending claims comply with all requirements under 35 U.S.C. § 112, such that the above-noted rejection should be withdrawn.

Removal of Issues Under 35 U.S.C. § 102(b)

Claims 18 and 19 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Tanaka '407 (USP 6,335,407); Tanaka '253 (USP 6,239,253); Tanaka '358 (USP 6,204,358); Tanaka '567 (USP 5,910,567) and Tanaka '740 (USP 5,569,740). Claims 20 and 21 have not been rejected based on any prior art.

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It is submitted that the recitation in claim 18 of using a protease having an exopeptidase activity patentably distinguishes this claim, and all claims depending from claim 18, from the above-noted cited prior art documents. Therefore, it is requested that the above-noted rejection be withdrawn.

It is submitted for the reasons stated above that all of the presently pending claims define patentable subject matter such that this application should now be placed into condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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